

LOCAL BANKRUPTCY RULE 1002-1

FORM OF PAPERS FILED WITH COURT

(a) SIGNATURE OF COUNSEL

- (1) In General. All attorneys shall comply with F.R.B.P. 9011(a). The name of the person signing a paper shall be clearly typed below the signature line.
- (2) State Bar and Fax Numbers. The voluntary petition filed pursuant to 11 U.S.C. §§ 301 and 302 by an attorney on behalf of any party shall contain the attorney's state bar identification number and fax number in the attorney name block. On all subsequent pleadings and on all other papers filed with the court, the attorney's state bar identification number shall appear, together with the attorney's name, address, telephone number, and fax number in the upper left-hand corner of the first page of such papers.

(b) COMPLIANCE

- (1) Filing Requirements. All papers delivered for filing to the clerk shall be accepted if accompanied by any required fee or signature, except as provided in Local Bankruptcy Rule 1006-1 (Payment of Filing Fees in Installments), and Local Bankruptcy Rule 1002-1(g)(2).
- (2) Certificate of Substantial Compliance. If a modified version of an Official Bankruptcy Form or a court-approved form is used, then such paper shall include a certificate that the form contains the same substance as the Official Bankruptcy Form or court-approved form, as applicable.

(c) ADVERSARY PROCEEDING SHEET

All complaints presented to the clerk for filing shall be accompanied by an Adversary Proceeding Sheet (Form B.104), completed and signed by the attorney or party presenting the complaint. The form shall contain the names, addresses and telephone numbers of the parties, and also their attorneys if known.

(d) PAPERS PRESENTED TO THE COURT - FORM AND FORMAT

This Local Bankruptcy Rule shall apply unless otherwise expressly provided elsewhere in the Local Bankruptcy Rules or a court-approved form is used.

- (1) Legibility. All papers shall be typewritten or printed if prepared by hand, or prepared by a photocopying or other duplicating process that will produce clear and permanent copies equally legible to printing, in black or dark blue ink. The typeface shall not be smaller than 10 point.
- (2) Paper. The original of all papers shall be submitted on opaque, unglazed, white paper of standard quality not less than 13-pound weight. The paper shall be 8½ x 11 inches, numbered on the left margin with not more than 28 lines per page. The lines on each page shall be numbered consecutively. Line 1 shall begin at least 1 inch below the top edge of the paper. Only 1 side of the paper shall be used, unless otherwise provided.
- (3) Pagination. All papers shall be numbered consecutively at the bottom of each page, including any attached exhibits.
- (4) Original - Copies - Telecopies. The original of a paper shall be labeled as the original and, except for exhibits, shall consist entirely of the original pages, except that a telecopy of all or part of a paper (or copy of such telecopy) may be filed and served instead of the original of the paper, provided that the telecopy meets the legibility requirement set forth in paragraph (d)(1) above. The original of any telecopied document, including the original signature of the attorney, party, or declarant, shall be maintained by the filing party until the conclusion of the case, including any applicable appeal period, subject to being produced upon reasonable notice. All copies must be marked "COPY."
- (5) Interlineation. No interlineation shall be allowed on a paper unless they are noted by the clerk or the judge by marginal initials at the time of the filing.
- (6) Pre-Punching and Backing of Papers. All papers presented for filing or lodging shall be pre-punched with two normal-size holes (approximately ¼ inch diameter), centered 2¾ inches apart, ½ to 5⁄8 inches from the top edge of the document. The original of all papers shall be firmly bound with 1 staple in the upper left hand corner, when possible, and backed, except that the following papers do not require backing:
 - (A) Proofs of claim.

- (B) Single-page documents (including two-sided forms) filed by a trustee in a case, the standing chapter 13 trustee, or the United States trustee, provided that these single-page documents are printed or photocopied on colored paper.
- (C) The Adversary Proceeding Sheet required by paragraph (c) of this Rule.
- (D) The Master Mailing List required by Local Bankruptcy Rule 1007-2.

The backing must be even with the top of the paper and not folded over the top edge. The backing shall extend not more than 1 inch below the pages bound and the short title of the document shall be typed in the lower right-hand corner. Copies of papers required to be filed or lodged need not be backed. The courtesy copy for the judge may, but need not, be backed.

- (7) Spacing. Except as provided herein, the typing or printing on papers shall be double-spaced, including citations. Footnotes may be single-spaced. Real property descriptions may be single-spaced. Quotations from cited cases or other authorities shall be clearly indented not less than 5 spaces or more than 20 spaces and may be single-spaced if the quotation is 50 or more words.
- (8) Title Page. The first page of all papers presented shall include:
 - (A) The name, California State Bar Number (if any), office address (or residence address if no office is maintained), which address shall include the street address in addition to any post office box, the telephone number and fax number, if any, of the attorney presenting the paper shall be placed commencing with line 1 at the left margin. If none, so state. Immediately beneath, the party on whose behalf the paper is presented shall be identified. All this information shall be single-spaced.
 - (B) The space between lines 1 and 7 to the right of the center of the page shall be left blank for use by the clerk.
 - (C) The title of the court, including the division, shall be centered on or below line 8.
 - (D) The names of the parties shall be placed below the title of the court and to the left of center, and single-spaced. If the parties are too numerous, the names may be continued on the second or successive pages in the same space. In all papers after the initial pleadings, only the names of the first-named party on each side need appear.

- (E) The bankruptcy case number shall be placed to the right of the center of the page immediately opposite the names of the parties on the first page. Immediately below the case number shall appear the chapter number of the case. Immediately below the case number and chapter number shall appear the adversary number (if such has been assigned). On the first page immediately below the adversary or reference number or the caption, there shall be a concise title of the document (e.g., Notice of Motion for Summary Judgment, Complaint To Determine Dischargeability of Debt). Where possible, the proponent's name should be included in the title of the document (e.g., Creditor ABC's Motion to Dismiss). Immediately below the title, the time, date and place of the hearing on the matter to which the paper is addressed shall appear or, if appropriate, that no hearing is required or that a hearing will be scheduled by the court. All information required in this paragraph (E) shall always appear on the first page of the paper.
- (9) Mandatory Relief From Stay Forms and Adversary Proceeding Captions. Motions for relief from stay shall be made using those forms designated for mandatory use in the 350 series of the court-approved forms. These mandatory forms are subject to future revisions upon general order of the court.

See also Local Bankruptcy Rule 9013-1(a)(5): MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS), GENERAL REQUIREMENTS, Motions for Relief from Automatic Stay.

Complaints and all other papers filed in adversary proceedings shall bear "double captions" in substantially the following format:

In re ABC,	)	Case No. _____
)	
Debtor.	)	Chapter _____
_____)	
)	
YXZ Co.,	)	Adv. No. _____
Plaintiff,)	
)	
	)	COMPLAINT TO DETERMINE
	)	NONDISCHARGEABILITY OF DEBT
vs.)	
)	
ABC,)	
Defendant.	)	(Hearing date to be set by summons)

- (10) Captions for Cases Designated as Small Business Cases (F.R.B.P. 1020). All pleadings and other papers filed in a case that has been designated a small business case under F.R.B.P. 1020 shall bear a legend stating that the case is subject to F.R.B.P. 1020. The legend shall appear to the right of the caption immediately below the case number, in substantially the following format:

	)	Case No. _____
In re ABC,)	
	)	Chapter _____
Debtor.)	
	)	SMALL BUSINESS CASE UNDER
	)	F.R.B.P. 1020
_____)	

- (11) Pre-Printed Forms. The provisions of this Local Bankruptcy Rule shall not prevent the use of printed forms provided by the clerk, the United States trustee, the Administrative Office of the United States Courts, or otherwise approved for use pursuant to Local Bankruptcy Rule 9009-1. The use of approved forms is encouraged whenever possible. All forms must be printed on 1 side of the paper only. Two-sided forms will not be accepted, except single page forms submitted by chapter 7, 12 or 13 trustees or the United States trustee, and court-approved forms for summons and subpoena.
- (12) Tabs. Each declaration, exhibit, or other attachment to a paper shall be separately tabbed on the original and all copies filed with the court.

(e) **COPIES**

- (1) In General. All papers shall be filed with 1 complete, clear, and legible copy for use by the judge which copies may, but need not be backed. If the copy is a carbon, it shall be the first carbon and clearly legible.
- (2) Petitions, Lists, Schedules and Statements. The number of papers required to be filed by F.R.B.P. 1002 and 1007 shall be as follows:
- (A) Chapters 7, 12 and 13: An original and 4 copies shall be filed.
- (B) Chapters 9 and 11: An original and 7 copies shall be filed ~~in all chapter 9 and 11 cases.~~
- (3) Conformed Copies. Copies filed with the court shall be conformed to the original, including either photocopies of fully executed signature pages, or unsigned signature

pages that bear a fax-stamped signature or a notation that the original was signed. Conformed copies shall be identical to the original in content, pagination, additions, deletions, interlineations, attachments, exhibits, and tabs.

- (4) Request for Court Conformed Copy. A maximum of 3 copies will be conformed by the clerk's office to show filing or lodging. Copies to be conformed by the clerk's office may consist of either the entire paper or only the first page of the filed paper. The clerk's office is not responsible for verifying that any copy presented for conforming is a true and correct copy. If the party presenting a paper requests the clerk to return a conformed copy by United States Mail, an extra copy shall be submitted by the party for that purpose, accompanied by a postage-paid, self-addressed envelope.

(f) EXHIBITS TO PAPERS

- (1) Exhibits Attached to Papers. Unless the physical nature of the exhibit makes it impracticable, an exhibit shall be securely fastened to the paper to which it relates. The exhibit shall be so attached that it will be easily readable without detaching the exhibit from the principal paper.
- (2) Numbering. Unless compliance is impracticable, exhibits shall be identified at the bottom of each page, consecutively to the principal paper. For example, if the pleading contains 5 pages and 3 exhibits of 5 pages each are attached, the pages would be numbered 1 through 20 consecutively. The exhibit identification shall be placed immediately above or below the page number on each page of the exhibit; exhibits shall be tabbed in sequential order on both the original and copy filed with the court. Whenever feasible, exhibits of plaintiffs or movants shall be marked with numbers, and exhibits of defendants or respondents shall be marked with letters.
- (3) Size of Paper. Exhibits shall not exceed 8½ x 11 inches in size whenever practicable. Larger exhibits shall be folded in such a manner as not to exceed 8½ x 11 inches. An exhibit smaller than 8½ x 11 inches shall be attached to an 8½ x 11 inch sheet.

(g) PETITIONS

- (1) Debtor's Address. In all petitions filed pursuant to 11 U.S.C. §§ 301, 302, 303, or 304, the debtor's actual street address shall be used, in addition to any post office box addresses.
- (2) Emergency ("Face Sheet") Petitions. Even though F.R.B.P. 1007 allows a voluntary petition to be filed without complete schedules and statement of financial affairs, the papers filed with the petition shall include at least the following:

- (A) Petition (Official Form 1 or 5).
- (B) Exhibit “A” to Petition **filing under chapter 11** (if debtor is a corporation) (Official Form **B1**).
- (C) A copy of a corporate resolution authorizing the filing (if debtor is a corporation).
- (D) List of Creditors Holding 20 Largest Unsecured Claims (Official Form 4) (chapter 11 cases only).
- (E) Statement of Previously Filed or Related Cases with Unsworn Declaration (in format required by Local Bankruptcy Rule 1015-2(b)(2)).
- (F) Notice of Available Chapters (except in chapter 9 and 11 cases).
- (G) Statement of Assistance of Non-Attorney or Bankruptcy Petition Preparer (for petitions of persons not represented by counsel).
- (H) Master Mailing List (in format required by Local Bankruptcy Rule 1007-2).
- (I) Declaration Re Limited Scope of Appearance Pursuant to Local Bankruptcy Rule 2090-1 (if applicable).
- (J) Venue Disclosure Form for Corporations Filing Chapter 11 (Official Form VEN-C) (if debtor is a corporation) or Venue Disclosure Form for Partnerships Filing Chapter 11 (Official Form VEN-P) (if debtor is a partnership) (chapter 11 cases only).

Unless extended by court order, the rest of the required papers shall be filed within 15 days, except the Statement of Intention which shall be filed within 30 days of filing of petition. If the required papers are not timely filed, chapter 7 and 13 cases are subject to being dismissed without further notice or hearing, while chapter 11 cases may be the subject of an order to show cause to dismiss the case. In addition, the dismissal order in individual cases may provide that the dismissal is pursuant to 11 U.S.C. § 109(g)(1), which would bar the debtor from filing another bankruptcy petition for a period of 180 days. Motions for extension of time to file schedules and other papers shall comply with Local Bankruptcy Rule 1007-1, and shall be supported by admissible evidence demonstrating cause for the requested extension.

The papers to complete the filing include the following:

- (i) Schedules (Official Form 6)
- (ii) Statement of Financial Affairs (Official Form 7)
- (iii) Disclosure of Attorney Fees
- (iv) Disclosure of Compensation of Bankruptcy Petition Preparer
- (v) Statement of Intention (Official Form 8) (chapter 7 cases only)
- (vi) Computer readable diskette as required by Local Bankruptcy Rule 1007-2(c)

Even if certain of the schedules or statements of Official Forms 6 and 7 are not applicable to a debtor's particular situation, they shall still be filed with either the notation "None" marked thereon or the applicable box checked indicating that there is nothing to report for that particular schedule or statement.

- (3) Effect of Failure to Provide Required Information. If the petition fails to specify the chapter under which relief is being sought, the case will be deemed to have been filed under chapter 7. If the petition fails to specify whether it is a consumer or business case, it will be presumed to be a consumer case. If the petition fails to indicate the number of creditors or equity holders, or the amount of assets or debts, it will be presumed that the case falls in the smallest category of each.
- (4) Joint Petitions. Individuals filing jointly shall present appropriate evidence of their married status at the § 341(a) meeting, such as a copy of the marriage license.

(h) PLEADINGS IN ADVERSARY PROCEEDINGS

- (1) Jurisdiction Allegations. In all adversary proceedings, the statements required by F.R.B.P. 7008(a) and 7012 shall be plainly stated in the first numbered paragraph of any paper.
- (2) Amended Pleadings.
 - (A) An original and 1 copy of the proposed amended pleading shall be lodged as a separate document and served with any notice of motion or stipulation to amend a pleading.

- (B) Every amended pleading filed as a matter of right or allowed by order of court shall be complete, including exhibits. The amended pleading shall not incorporate by reference the prior superseded pleading.
- (C) No pleading will be deemed amended until compliance with this Local Bankruptcy Rule and F.R.B.P. 7015 regarding amended pleadings is effected, unless otherwise ordered by the court.
- (D) Unless otherwise ordered, an amended pleading allowed by order of the court shall be deemed served upon the parties who have previously appeared, on the date the motion to amend is granted or the stipulation therefor is approved, provided the proposed amended pleading was lodged and served in accordance with subsection (A) above. Otherwise, actual service and filing is required. Service of amended pleadings on a party who has not previously appeared shall be made as provided in Local Bankruptcy Rules 2002-2 and 7004-1.

(i) CITATIONS

- (1) Acts of Congress. All citations to Acts of Congress shall include a parallel citation to the United States Code by title and section.
- (2) Regulations. All citations to federal regulations shall include a citation to the Code of Federal Regulations by title and section, and the date of promulgation of the regulation.
- (3) Cases. Initial citation of any United States Supreme court cases shall include citations to the Supreme Court Reporter. The Federal Reporter, Federal Supplement or Federal Rules Decisions citations shall be used where available. Initial state court citations shall include both the official reports and any regional reporter published by West Publishing Company. California parallel citations may be limited to the official reports and California Reporter. Citation to bankruptcy cases shall be to West's Bankruptcy Reporter, where available. Where a citation to the above-named reporters is not available, the party citing the case shall provide the court with an unmarked copy of the case.

(j) POINTS AND AUTHORITIES - BRIEFS

- (1) Length. No brief shall exceed 35 pages in length, excluding indices and exhibits, unless permitted by order of the court.

- (2) Appendices. Appendices shall not include any matters which properly belong in the body of the brief.
- (3) Table of Contents and Table of Authorities. Any brief exceeding 10 pages in length, excluding exhibits, shall be accompanied by an indexed table of contents setting forth the headings and subheadings contained in the body thereof, and by an indexed table of the cases, statutes, rules, and other authorities cited.

(k) STIPULATIONS REGARDING PROGRESS OF CASE OR PROCEEDING

Oral stipulations affecting the progress of a case or proceeding will be enforceable by the court if made and approved in open court. Written stipulations affecting the progress of the case or proceeding shall be filed with the court in the form provided by Local Bankruptcy Rule 9021-1, and will not be effective until an order thereon is entered.

See also Local Bankruptcy Rule 9013-1(a)(10): MOTIONS, GENERAL REQUIREMENTS, Continuation by Stipulation (Automatic Stay); Local Bankruptcy Rule 9021-1(a)(2): ORDERS AND JUDGMENTS, PREPARATION, LODGING AND SIGNING OF DOCUMENTS, Order Upon Stipulation; and Local Bankruptcy Rule 1002-1(k): FORM OF PAPERS FILED WITH COURT, STIPULATIONS REGARDING PROGRESS OF CASE OR PROCEEDING.

Court's Comment

2001 Revision

Paragraph (e)(2)(B) - in all chapter 9 and 11 cases deleted as redundant.

Paragraph (g)(2)(B) was amended for consistency with "Exhibit A" (Official Form B1). Added filing under chapter 11. Reference to Official Form 1 was revised to Official Form B1, correcting a typographical error.

1998 Revision

Paragraph (a)(2) State Bar and Fax Numbers. Location of state bar number amended for consistency with the revised Voluntary Petition Form B1 (Rev. 12/94). Amended to provide for inclusion of attorney's fax number. Replaced *such other papers as the clerk may require* with *all other papers filed with the court* in the second sentence.

Paragraph (b)(1) Filing Requirements. Amended for consistency with F.R.B.P. 5005 and Local Bankruptcy Rules 1006-1 and 1002-1(g)(2).

Paragraph (b)(1) Certificate of Substantial Compliance. Added *or a court-approved form and or court-approved form, as applicable*.

Paragraph (c) ADVERSARY PROCEEDING COVER SHEET. Changed from Bankruptcy Cover Sheet to be consistent with the title of the form; requirement of parties' and attorneys' addresses and telephone numbers added.

Paragraph (d) PAPERS PRESENTED TO THE COURT - FORM AND FORMAT. *This Local Bankruptcy Rule shall apply unless otherwise expressly provided elsewhere in the Local Bankruptcy Rules or a court-approved form is used* moved from paragraph (d)(2), with the addition of *or a court-approved form is used*.

Paragraph (d)(1) Legibility. *10 point* replaced pica size and 10 cps designation.

Paragraph (d)(2) Paper. First sentence of former Local Rule 103(4)(b) moved to beginning of Paragraph (d). *Unless otherwise provided* added to end of last sentence. The sentence on page number was broken into two separate sentences.

Paragraph (d)(4) Original - Copies - Telecopies. *Telecopies* added to heading. Former Local Bankruptcy Rule modified to conform to Rule 3.2 of Chapter I, Local Civil Rules, of the district court. Lower case "*copy*" in last sentence changed to upper case.

Paragraph (d)(6)(C). *Cover Sheet* changed to *Adversary Proceeding Sheet* for consistency with Paragraph (c) of this Local Bankruptcy Rule.

New paragraph (d)(6)(D) added.

Paragraph (d)(8) Title Page:

- (i) Amended to require the fax number;
- (iii) Amended to include the division as well as the title of the court.
- (iv) *Shall appear* in the last line changed to *need appear* to make the listing of only the names of the first-named parties optional rather than mandatory.
- (v) *Except in Bankruptcy Act cases* deleted from the end of the second sentence as no longer applicable. *Docket number* deleted from the beginning of the first sentence. *Docket number* replaced by *case number* in the second and third sentences. *Reference number* deleted from the end of the third sentence.

Paragraph (d)(9) Mandatory Relief From Stay Forms and Adversary Proceeding Captions. Paragraph title changed from Double Captions: Relief From Stay Motions and Adversary Proceedings. First sentence of former Local Bankruptcy Rule and accompanying caption deleted, and two new initial sentences added. Cross-reference to Local Bankruptcy Rule 9013-1(a)(5) added. The paragraph referring to assignment of a reference number for chapter 11 cases deleted as no longer applicable.

Paragraph (d)(10) Captions for Cases Designated as Small Business Cases (F.R.B.P. 1020). New paragraph added to conform to the 1994 Bankruptcy Reform Act and F.R.B.P. 1020.

Paragraph (d)(11) Pre-Printed Forms. Paragraph renumbered. *Notice of motion for relief from stay* deleted.

Paragraph (d)(12) Tabs. Paragraph renumbered.

Paragraph (e)(1) In General. In the first sentence, *one clear, conformed and legible copy* modified to *one complete, clear, and legible copy*.

Paragraph (e)(2)(A) Chapters 7, 12 and 13. The first line only retained, with the number of copies changed from 3 to 4 to conform to current clerk's office practice. The remainder of the rule deleted at the direction of the Ninth Circuit Local Bankruptcy Rules Review Committee as being administrative in nature and thus unnecessary for inclusion in the Local Bankruptcy Rules.

Paragraph (e)(2)(B) Chapters 9 and 11. Part of the first line only retained with the number of copies changed from 6 to 7 to conform to current clerk's office practice. The remainder of the rule deleted at the direction of the Ninth Circuit Local Bankruptcy Rules Review Committee as being administrative in nature and thus unnecessary for inclusion in the Local Bankruptcy Rules.

Paragraph (e)(3) Conformed Copies. Deleted *and* from the last sentence, and added *attachments, exhibits, and tabs* to the end of the last sentence.

Paragraph (g)(1) Debtor's Address. *Must* changed to *shall*.

Paragraph (g)(2) Emergency ("Face Sheet") Petitions. *Must* changed to *shall at least* in first paragraph; subsection numbering changed from Arabic to Roman.

Paragraph (g)(2)(G). Amended to add *or Bankruptcy Petition Preparer* after *Non-Attorney* to conform to new 11 U.S.C. 110; *pro se* changed to *persons not represented by counsel* for consistency with Local Bankruptcy Rule 1001-1.

Paragraph (g)(2)(I). Declaration Re Limited Scope of Appearance added to conform to Local Bankruptcy Rule 2090-1(a)(3).

Paragraph (g)(2)(J) added pursuant to General Order 97-02.

First line of first paragraph under (g)(2)(J) amended to add *except the Statement of Intention which shall be filed within 30 days of filing of petition* to conform to 11 U.S.C. § 521(2)(A); *must* changed to *shall* in second to last line. Added *if applicable* to the end of the sentence. Deleted *such motions are rarely granted* from the end of the explanatory paragraph.

In the following paragraph, list of papers to complete the filing expanded to include 4. *Disclosure of Bankruptcy Petition Preparer* to conform to the 1994 Bankruptcy Reform Act; item 6. (formerly 5.) changed from *computer readable tape* to *computer readable diskette*; new rule added after the list of items to require certain forms to be filed even if not applicable to conform with requirements of Official Forms 6 and 7.

Paragraph (g)(4) Joint Petitions. *Must* changed to *shall*.

Paragraph (h)(2)(D). *Attached to the motion or stipulation as required* changed to *lodged and served in accordance with subsection (h)(2)(A) above* in first sentence; *and filing* added to second sentence.

Paragraph (i)(3) Cases. *Parallel* and *United States Reports* in first sentence deleted as inapplicable; *Bankruptcy Reporter citation* changed to *citation to the above-named reporters* in last sentence; *must* changed to *shall* in last sentence.

Paragraph (k) STIPULATIONS REGARDING PROGRESS OF CASE OR PROCEEDING. *REGARDING PROGRESS OF CASE OR PROCEEDING* added to heading. *Approved by the judge* in the last line changed to *an order thereon is entered*. Cross-references to Local Bankruptcy Rules 9013-1(a)(10), 9021-1(a)(2), and 9071-1 added.

Paragraph (12) of former Local Bankruptcy Rule 103 deleted.